

REMARKS / ARGUMENTS

Claims 28-53 remain pending in this application. Claims 1-27 have been canceled without prejudice or disclaimer. New claims 28-53 have been added.

Priority

Applicants appreciate the Examiner's acknowledgment of the claim for priority and safe receipt of the priority document.

Drawings Objections and Rejection under 35 U.S.C. §112

As discussed during the interview, the previous Examiner had raised some objections to the drawing and a rejection under 35 U.S.C. §112, first paragraph, without providing any specificity. It is submitted that the pending claims are adequately supported by the drawings and the specification. If the Examiner is unclear about the basis of support for any claim limitation, the Examiner is hereby invited to contact the undersigned by telephone in order to expedite prosecution.

Information Disclosure Statement

The previous Examiner refused to consider two literature documents, contending that they were too voluminous. Therefore, although the current Examiner

is requested to consider each document in its entirety, Applicants hereby direct the Examiner's attention to certain portions of each document as requested.

The documents are listed in an attached PTO-1449 Form for the Examiner's signature. In document AR (entitled "DiskXtender 5.4 Technical Product Overview"), the Examiner's attention is directed to the following: (1) pages 5-8, from the heading of "File Migration" until the heading of "Fetch Requests"; (2) page 10, under the heading of "Automatic File Migration"; (3) page 15, under the heading of "DiskXtender 2000 Architecture", and (4) pages 24-29, under the heading of "File Migration and Space Management".

In document AT (entitled "DX Data Manager System Guide"), the Examiner's attention is directed to the following: (1) page 3, the definition of "data management"; (2) page 5, the definition of "file tag"; (3) pages 11-13, from the heading of "Extended Drives" until the heading of "Data Manager System Management"; (4) the entirety of Chapter 3, pages 159-219; and (4) a portion of Chapter 4, page 221, line 1 to page 245, line 5.

Finally, document AS was submitted to show a possible release date of DiskXtender for Windows, Rel. 5.4. Therefore, this document should be considered for that purpose.

Once again, while Applicants request the Examiner to consider the entirety of documents AR and AT, Applicants have tried to provide some assistance to focus the Examiner's review of these documents. The Examiner is kindly requested to

execute and return the attached PTO Form 1449 listing the above-mentioned documents.

Interview

Applicants wish to thank the Examiner and the Examiner's supervisor for conducting an interview with the undersigned and Applicants' representatives on May 23, 2006. As stated in the Interview Summary, the proposed amended claims seem to overcome prior art rejection but require further search. As also discussed during the interview, the proposed claims are adequately supported by the specification and drawings. The Examiner is hereby invited to contact the undersigned by telephone with any questions.

35 U.S.C. §§102 and 103

Claim 8 stands rejected under 35 U.S.C. §102(e) as being anticipated by Leung et al (U.S. Pre-Grant Publ. No. 2003/0046270). Claims 9-10 and 26-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Leung et al in further view of Anderson et al U.S. Pre-Grant Pub. No. 2005/0149528). These rejections are traversed as follows.

During the interview, proposed new claims were explained to the Examiner and distinguished from the prior art. It is submitted that the claims contained in this amendment correspond to claims presented during the interview. As stated in the

Interview Summary and mentioned above, the Examiner stated that the proposed claims seem to overcome the prior art rejection.

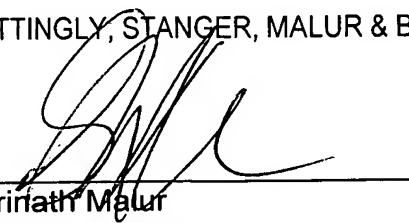
During the interview, it was explained that the prior art references do not disclose a file migration method for migrating a file from a first system to a second system as presently claimed. In particular, the prior art references do not disclose a method in which information relating to one of a plurality of software programs, by which a policy applied to a migrated file is prepared, is left in the first system. This feature is contained in all of the independent claims. As such, it is submitted that the pending claims patentably define the present invention over the cited art.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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